

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY,

Plaintiff,

vs.

KRISTIE MATTESON, *et al.*,

Defendants.

CV 17-31-BLG-SPW-TJC

**FINDINGS AND
RECOMMENDATIONS OF
UNITED STATES
MAGISTRATE JUDGE**

U.S. District Judge Susan P. Watters referred this case to the undersigned to “conduct all necessary hearings and submit to [Judge Watters] proposed findings of fact and recommendations for the disposition of all motions excepted from the Magistrate Judge’s jurisdiction by 28 U.S.C. § 636(b)(1)(A).” (Doc. 17.)

The parties filed on December 13, 2017, a Joint Stipulation of the Parties Regarding Pending Motions and Remand (Doc. 47), in which the parties jointly stipulated that, due to their recent settlement of all counterclaims (*see* Doc. 42), all motions currently pending before the Court are now moot. The parties also stipulated to the remand of this case to Montana State Court due to the settlement of the counterclaims having resolved the original basis for federal jurisdiction.

(*See* Doc. 1 at ¶¶ 6-9.)

Therefore, the Court recommends that all pending motions (Docs. 20, 21, and 31) be **DENIED** as moot, and that the case be **REMANDED** to the Montana Thirteenth Judicial District Court, Yellowstone County, for all further proceedings.

NOW, THEREFORE, IT IS ORDERED that the Clerk shall serve a copy of the Findings and Recommendation of United States Magistrate Judge upon the parties. The parties are advised that, pursuant to 28 U.S.C. § 636, any objections to the findings and recommendations must be filed with the Clerk of Court, and copies served on opposing counsel, within fourteen (14) days after entry hereof, or objection is waived.

DATED this 13th day of December, 2017.



TIMOTHY J. CAVAN
United States Magistrate Judge